

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

KRISTIN ROSSUM,

Plaintiff,

vs.

L.E. SCRIBNER, et al.,

Defendants.

CASE NO. 07-CV-1590-JLS (JMA)

**ORDER: GRANTING
CERTIFICATE OF
APPEALABILITY**

(Doc. No. 12.)

Kristin Rossum filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 16, 2008, pursuant to 28 U.S.C. § 636(b)(1), Magistrate Judge Jan M. Adler issued a Report and Recommendation (“R&R”) recommending that the Court deny the petition. (Doc. No. 12.) Petitioner filed objections. (Doc. No. 16.) On April 8, 2009, the Court adopted the R&R’s conclusions in full and it’s reasoning in part and denied the petition. (Doc. No. 17.) On April 22, 2009, Petitioner filed a notice requesting a certificate of appealability.

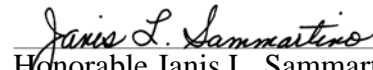
A certificate of appealability is authorized “if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2) (2008). “A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” Miller-El v. Cockrell, 537 U.S. 322, 327 (2003); see also Slack v. McDaniel, 529 U.S. 473, 484 (2000). The Court must either (1) grant the certificate of appealability

1 indicating which issues satisfy the required showing or (2) state why a certificate should not issue.
2 Fed. R. App. P. 22(b).

3 In this case, a certificate of appealability is proper as to the issues presented in grounds one
4 and two of the petition. Accordingly, the Court **GRANTS** Petitioner's requests for a certificate of
5 appealability.

6 IT IS SO ORDERED.

7
8 DATED: April 24, 2009


Honorable Janis L. Sammartino
United States District Judge